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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,568	03/21/2005	Pierre Gerard Niewland	NTZ0106 PCT	5036

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EXAMINER	
KURTZ, BENJAMIN M	

ART UNIT	PAPER NUMBER
1797	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/528,568	NIEWLAND ET AL.	
	Examiner	Art Unit	
	Benjamin Kurtz	1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-17,19,20,22-26 and 28-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *11-17,19,20,22-26 and 28-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 October 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-10, 18, 21 and 27 are cancelled and claims 11-17, 19, 20, 22-26 and 28-30 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 11-17, 19, 22, 24 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malecot et al. WO00/07691 (US 6 874 642 English translation) in view of Hultgren US 3 233 737.

Regarding claim 11, Malecot teaches a filtering device comprising: a filter part (14) having a microfiltration device (col. 4, lines 27-30) wherein axial end faces of the filtering part are formed by the microfiltration device, a filter housing (12) having a lid (18) adapted for removably retaining the filter part, a clamping mechanism securing the lid to the housing, an inlet port (22) defined in the filter housing and situated outside the filter part, an outlet port (24) defined in the filter housing in fluid communication with a substantially cylindrical interior space (30) of the filter part, a closure member (20) having a contacting face (fig. 1). Malecot does not teach the closure member having an open bore defined therethrough. Hultgren teaches a filter having a closure member (14) having an open bore (19) defined therethrough enabling fluid to flow from an inlet port, through the bore into an interior space of a filter and out through an outlet port (fig. 1). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a bore fluidly connecting the inlet to the outlet as taught by Hultgren because the bore allows leakage of fluid so fluid may pass the filter media becomes clogged (col. 3, lines 3-10).

Regarding claims 12-17 and 22, Malecot further teaches an oil passage closing face is integrated into the filter housing (fig. 1); a radial thickness of the microfiltration device is larger than a radial thickness of its interior space within the housing (fig. 1); the microfiltration device has a diameter substantially equal to that of the filter part (fig. 1); the housing comprises a dimple (the portion between (32) and the lip connecting to (12) of (20)); the inlet port is positioned radially outside the filter part (fig. 1); and the closure member includes a cylindrical notch (32) adapted to fit in said cylindrical interior space of the filter part (fig. 1).

Regarding claim 19, Hultgren teaches the open bore serves as a bypass mechanism (col. 3, lines 3-10).

Regarding claim 24, Hultgren teaches the open bore fluidly connects the interior space in the filter part to an in housing space that is exterior to the filter part (fig. 1).

Regarding claim 28, Hultgren teaches the open bore is a valveless bore (fig. 1).

Regarding claim 29, Malecot does not teach the filter part having a perforated tube lining the inner surface of the filtration device. Perforated inner tubes are well known in the art as shown in Hultgren (element (17)) and would have been obvious to one of ordinary skill in the art to use a perforated inner tube because it provides support for the filter media against collapse.

Regarding claim 30, Hultgren teaches the open bore is located in the center of the closure member (14). Malecot teaches the notch in the closure member is in the center of the closure member. One of ordinary skill in the art would recognize the bore would have to be in the center of the closure member of Malecot to properly connect the interior space with the inlet.

2. Claims 11-17, 19, 20, 22-27, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malecot '691 in view of Shoup US 3 970 557.

Regarding claim 11, Malecot teaches a filtering device comprising: a filter part (14) having a microfiltration device (col. 4, lines 27-30) wherein axial end faces of the filtering part are formed by the microfiltration device, a filter housing (12) having a lid (18) adapted for removably retaining the filter part, a clamping mechanism securing the lid to the housing, an inlet port (22) defined in the filter housing and situated outside the filter part, an outlet port (24) defined in the filter housing in fluid communication with a substantially cylindrical interior space (30) of the filter part, a closure member (20) having a contacting face (fig. 1). Malecot does not teach the closure member having an open bore defined therethrough. Shoup teaches a filter device having a closure member (19) having an open bore defined therethrough enabling fluid to flow from an inlet port, through the bore into an interior space of a filter and out through an outlet port (fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a bore fluidly connecting the inlet to the outlet as taught by Shoup because it allows fluid to continue to flow if the filter element becomes clogged or otherwise damaged and non-functional (col. 2, lines 4-10).

Regarding claims 12-17 and 22, Malecot further teaches an oil passage closing face is integrated into the filter housing (fig. 1); a radial thickness of the microfiltration device is larger than a radial thickness of its interior space within the housing (fig. 1); the microfiltration device has a diameter substantially equal to that of the filter part (fig. 1); the housing comprises a dimple (the portion between (32) and the lip connecting to (12) of (20)); the inlet port is positioned radially outside the filter part (fig. 1); and the closure member includes a cylindrical notch (32) adapted to fit in said cylindrical interior space of the filter part (fig. 1).

Regarding claims 19 and 20, Shoup further teaches a by-pass mechanism (18) comprising a spring or valve (fig. 1).

Regarding claim 23, Malecot teaches the filter device of claim 21 but does not teach at least one closure member contacting the housing by way of a spring. Shoup teaches a filter device wherein a closure member (19) contacts the housing by way of a spring (17) (fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the housing configuration of Shoup because the filter element is held in position by the biasing of the spring and holds the filter element in place providing a clamping force to retain the filter (col. 1, lines 64-68).

Regarding claim 24, Shoup further teaches the open bore fluidly connects the interior space in the filter part to an in housing space that is exterior to the filter part (fig. 1).

Regarding claims 25 and 26, Shoup further teaches a by-pass mechanism comprises a valve mechanism movable between a closed position at a lowest operating

pressure to an open position as a function of increasing operating pressure (fig. 1); and the valve mechanism is pressure dependent and comprises an elastically deformable device (the spring) providing an internal passage which opens up as a function of increasing pressure (fig. 1).

Regarding claim 29, Malecot does not teach the filter part having a perforated tube lining the inner surface of the filtration device. Perforated inner tubes are well known in the art as shown in Shoup and would have been obvious to one of ordinary skill in the art to use a perforated inner tube because it provides support for the filter media against collapse.

Regarding claim 30, Shoup teaches the open bore is located in the center of the closure member (19). Malecot teaches the notch in the closure member is in the center of the closure member. One of ordinary skill in the art would recognize the bore would have to be in the center of the closure member of Malecot to properly connect the interior space with the inlet.

Response to Arguments

3. Applicant's arguments with respect to claim 11 have been considered but are moot in view of the new ground(s) of rejection.

Applicant has argued that Shoup does not teach an open bore. The member (19) of Shoup has an open bore through it satisfying the claim. The open bore is closed under certain conditions but the bore itself remains an open bore through the element (19).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Kurtz whose telephone number is 571-272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin Kurtz
Patent Examiner
Art Unit 1797

1/22/08 /BK/

KRISHNAN MENON
PRIMARY EXAMINER